

L A W S
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF OREGON;

ENACTED
DURING THE SEVENTH REGULAR SESSION THEREOF; BEGUN,
DEC. 3, 1855, AND CONCLUDED JAN. 31, 1856;

THE 80TH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

SALEM, OREGON:
ASAHEL RUSH, TERRITORIAL PRINTER.
1856.

LAWS OF A SPECIAL NATURE.

AN ACT to incorporate the Town of Astoria.

ARTICLE I.

Sec. 1. Boundaries.

2. Inhabitants within said boundaries declared a body politic and corporate to have succession; may sue and be sued; possess property within town and beyond its limits, for particular purposes, and have common seal.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon,* That the town of Astoria shall be bounded as follows: Commencing at a point in the middle of the channel of the Columbia river, due north of the northern terminus of Broadway and Salmon streets, thence south to the middle of the northern terminus of said Salmon street, thence southerly along the middle of said Salmon street, to the intersection of Berry street, thence westerly along the middle of Berry street, to a point opposite and south of the south-west corner of block fifty-six (56,) all as laid down in Shiveley's plat of Astoria, as recorded in the office of the county recorder of Clatsop, thence westerly, in a strait line, to the south-west corner of block fifty-four (54,) of McClure's Astoria, as recorded in the office of the county recorder aforesaid, thence north to the middle of the channel of the Columbia river, thence easterly along the middle of the channel of the said river to the point of beginning.

SEC. 2. The inhabitants of the town of Astoria, within the limits above described, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name and style of the "Town of Astoria," and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued,

plead and be impleaded, defend and be defended, in all courts of law and in all actions whatsoever; may purchase, hold and receive property, real and personal, within said town, for public buildings, school purposes and town improvements; may lease, sell and dispose of the same, for the benefit of the town; may purchase, receive and hold property, real and personal, within and beyond the limits of the town, to be used for burial purposes, and for the reception of persons affected with contagious or other diseases, and for work-houses and houses of correction, and for the construction of water-works to supply the town with fresh water; and may lease, sell and dispose of the same for the benefit of the town; and they shall have and use a common seal, and alter and break the same and make a new one at pleasure.

ARTICLE II.

THE OFFICERS — THEIR POWERS AND DUTIES.

- SEC. 1. Government by five trustees; recorder, marshal, treasurer and commissioner of streets and harbors, who shall be qualified electors and have been residents of the town six months before election.
2. Duty of trustees defined.
 3. Powers and jurisdiction of recorder defined.
 4. Duty and authority of marshal defined.
 5. Powers and duties of treasurer defined.
 6. Powers and duties of commissioner of streets and harbor.
 7. Trustees to define duties of officers not herein defined.
 8. When offices deemed vacant.

SECTION 1. The government of the said town shall be vested in a board of trustees, consisting of five members, who shall be known and designated as the "Trustees of the Town of Astoria," a recorder, a marshal, a treasurer, and commissioner of streets and the harbor, and who shall be qualified electors in this Territory, and residents in the town six months next previous to any election at which they can be eligible to any of the said offices.

SEC. 2. It shall be the duty of the trustees of the town of Astoria, to devise and adopt all such measures, regulations and ordinances connected with the police, security, tranquility, cleanliness, improvement and ornament of the town, and the public health, prosperity, and welfare, and the regulations of the finances and public expenditures of the town, as shall be expedient from time to time, and

in accordance with this act, the laws of this Territory, and of the United States.

SEC. 3. The recorder shall have all the power and jurisdiction of a justice of the peace, in all civil and criminal matters; and in all proceedings, whether civil or criminal, shall be governed by the laws relating to justices of the peace in this Territory. He shall, also, have original and exclusive jurisdiction over all violations of town ordinances and regulation; may examine, hold to bail, fine, or commit persons found guilty thereof. He shall, also, perform the duties of clerk to the board of trustees.

SEC. 4. It shall be the duty of marshal, in addition to the duties prescribed to him by the board of trustees, to execute and return all processes issued and directed to him by the recorder, or by any legal authority. He shall attend on the recorder's court and the meetings of the board of trustees, when requested so to do by them. He shall arrest, on complaint, or otherwise, all persons guilty of a breach of the peace, or of a violation of the town ordinances, and bring them before the recorder for a trial, and be a conservator of the peace generally.

SEC. 5. It shall be the duty of the treasurer to collect and receive all moneys that shall come or be due to said town, whether by taxation or otherwise, and to pay out the same as provided for by law, and to do and perform all such other acts as shall be prescribed to him by the board of trustees. He shall, on the first Monday of March, June, September, and December, of each year, make out and present to the president of the board of trustees, a full and complete statement of the receipts and expenditures of the preceding three months and at the end of the year, make a final settlement with the board of trustees, and pay over to his successor in office, all town moneys and other property in his hands at such time.

SEC. 6. It shall be the duty of the commissioner of the streets and harbor, to superintend all improvements of public streets, side and cross-walks and alleys; all public wharves and ships, public squares, commons and cemeteries, and the construction and repair of all public buildings, water-works and other public works of the town. He shall do and perform the duties of harbor-master, for the port of Astoria, and all such other duties as may be required by the

ordinances of the town, the laws of the Territory and of the United States.

SEC. 7. The board of trustees shall define the duties of all officers which are not herein defined.

SEC. 8. If any person who may be elected or appointed to any office under this act, shall remove from the town, or absent himself therefrom, for thirty days or more, without leave from the board of trustees, or shall fail to qualify within ten days after his election, the office which he held, or to which he may have been elected, shall be deemed vacant.

ARTICLE III.

OF ELECTIONS AND THE FILLING OF VACANCIES.

- SEC. 1. Elections to be held 1st Tuesday in April.
2. Duty of trustees in regard to elections; elections; how conducted; if inspector fail to attend, how vacancy filled; returns of elections made to trustees; their duty in respect thereto; first election under this act, how and when held.
3. Voting to be by ballot, at times and places designated by trustees; plurality of votes elect.
4. Election not to be held where liquors sold.
5. Vacancies in office, how filled.
6. At elections, polls to be kept open; how long.

SECTION 1. A general election of all the officers provided for in this act, shall be held on the first Tuesday in April, of each year.

SEC. 2. It shall be the duty of the board of trustees to order all elections, to designate the place of holding the same, to give at least ten days notice thereof, and to appoint inspectors of the elections. The elections shall be conducted according to the provisions of the act to regulate the elections of this Territory. If any inspector shall fail to attend, at the proper hour, an election for which he shall have been appointed, the electors present may appoint one in his stead. The returns of all elections shall be made to the board of trustees, who shall publicly examine the same and declare the result thereof and give certificates of election to the persons having a plurality of votes; *provided*, that the first election to be held under this act, shall be held at such time and place as the county auditor of Clatsop county shall direct, after ten days notice thereof, and

within twenty days after this act of incorporation shall have been accepted and adopted by a majority vote of the legal voters of the said town of Astoria.

SEC. 3. In all elections under this act, the voters shall vote by ballot, and at the time and place or places designated by the board of trustees. The person who shall receive a plurality of votes shall be declared to be elected.

SEC. 4. No election shall be held in a grocery or in any other place where intoxicating liquors are vended.

SEC. 5. All vacancies occurring in the offices of the town, shall be filled, for the unexpired term, by special election, to be called by the board of trustees and to be conducted in all respects as general elections.

SEC. 6. At all elections under this charter, the polls shall be opened at nine o'clock, A. M., and kept open until six o'clock, P. M.

ARTICLE IV.

SPECIAL DUTIES OF THE BOARD OF TRUSTEES.

- SEC. 1. Trustees, when to assemble and choose president of board; in absence of president from meeting, trustees to choose one, *pro tem.*; board to fix time and place of their meeting; president may convene them; majority constitutes a quorum; a less number may adjourn, &c.; trustees, judges of the election, qualifications and returns of officers; establish rules for their own proceedings, punish disorderly conduct in their presence, at meeting of board; may expel member; shall keep journal, &c.
2. Powers of board of trustees, within town.
3. Ordinance or regulation, must pass by vote of majority of trustees elected; such vote, how taken and entered on journal.
4. Demands against the town; how audited and paid.
5. The style of ordinances.

SECTION 1. The board of trustees shall assemble ten days after their election and choose a presiding officer from their number, who shall be designated as the president of the board, in all the proceedings of the board of the trustees. In case of the absence of the president at the meetings of the board of trustees, they may elect a president, *pro tem.*, who shall have the power and perform the duty of the president for the time. The board shall fix the time and place of holding their stated meetings, and may be convened by the president at any time. A majority of all the members shall constitute a quorum to do business, but a smaller number may adjourn from time

to time, and compel the attendance of absent members in such manner and under such penalties as the board may have previously prescribed. They shall judge of the qualifications, elections, and returns of their own members, and the other officers elected under this act, and determine contested elections. They may determine rules for their own proceedings, punish any member, or other person, for disorderly conduct in their presence, at any meeting of the board, and with the concurrence of four-fifths of all the members elected to the board, may expel any member. They shall keep a journal of the proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question and entered on the journal, and their proceedings shall be public.

SEC. 2. The board of trustees shall have power within the limits of the town:

1. To make by-laws and ordinances not repugnant to the laws of this Territory, or to the laws of the United States.

2. To levy and collect taxes, not to exceed one mill per cent. per annum, upon all property made taxable by law, for county and territorial purposes.

3. To make regulations to prevent and remove nuisances; to prevent the introduction of contagious and other diseases, into the town and to secure the general health of the inhabitants.

4. To license, tax and regulate auctioneers, taverns, ordinances, hawkers, peddlers, brokers, pawn-brokers, and money-changers:

5. To license, tax, regulate, restrain, suppress, and prohibit theatrical and other exhibitions, shows, and amusements, bar-rooms, groceries, tippling-houses, gaming and gambling-houses, billiard-tables, bowling-alleys, and to suppress houses of ill-fame and bawdy-houses; *provided*, that no person or party, having paid a license to the town, for carrying on any business or traffic named in the fourth and fifth clauses above, shall be compelled to pay license to the county or Territory, for the same business.

6. To regulate the storage of gun-powder, tar, pitch, rosin, and all other combustible materials, and the use of candles, lamps, and other lights in stores, shops, stables, and other places; to prevent, remove, and secure any fire-place, stove, chimney, oven, or boiler or other apparatus which may be dangerous in causing fires, and to provide for the prevention and extinguishment of fires.

7. To provide a work-house and a house of correction for the reception of vagrants and vicious persons, and to prescribe rules and regulations for the government thereof.

8. To remove all obstructions from the public highways, streets, side and cross-walks, and provide for the construction, repair and cleaning of the same, and of the gutters and sewers.

9. To erect, repair, and regulate public wharves and docks, and to fix the rates of wharfage and dockage thereof, and to regulate the erection and repair of private wharves.

10. To appropriate money for any item of town expenditure, and to provide for the payment of the debts and expenses of the town.

11. To prevent and restrain any riot, noise, disturbance, or disorderly assemblage in any street, house, or place in the town.

12. To impose, collect, and appropriate fines, forfeitures and penalties for the breach of any ordinance, and provide for the punishment of breaches of the town ordinances; but no fine to exceed one hundred dollars shall be imposed, and no offender shall be imprisoned for a longer term than ten days, for any breach of the town ordinances.

13. To provide for the collection and disbursing of all moneys to which the town is, or may become entitled by law, or which may be assessed or authorized to be collected for town purposes within said town.

14. To provide for the prevention and removal of obstructions in the Columbia river, within the limits of said town, and against the throwing of ballast or other obstructions therein, and to compel persons who shall have caused obstructions therein, to remove the same.

15. To provide for the working of the county road tax, within the limits of town, upon the streets and public ways thereof, under the supervision of the commissioner of the streets and harbor.

SEC. 3. Every ordinance and regulation, to be effective, shall be passed by a vote of a majority of all the members elected to the board of trustees, and the votes shall be by yeas and nays, and the names of the members voting for or against every ordinance regulation shall be entered on the journal.

SEC. 4. All demands and accounts against the town, shall be audited by the board of trustees and paid by the treasurer, on the warrant of the president of the board, attested by the clerk.

SEC. 5. The style of the town ordinances shall be as follows:
 "The people of the Town of Astoria do ordain as follows:"

ARTICLE V.

FEES AND SALARIES.

- SEC. 1. Of trustees.
 2. Of recorder.
 3. Of marshal.
 4. Of other officers.

SECTION 1. The board of trustees shall receive no fees, salaries, or other emoluments for their services.

SEC. 2. The recorder shall receive the same fees as justices of the peace are entitled, by law, to receive for services of a similar nature.

SEC. 3. The marshal shall receive the same fees for his services as constables are now allowed, by law, for similar services.

SEC. 4. The other officers provided for in this act, or which may be appointed, in pursuance thereof, shall receive such per centage, fees, or compensation for their services, as may be established by ordinance.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

- SEC. 1. Term of office under this act, &c.; when to commence.
 2. In case of tie vote, trustees decide election.
 3. Propositions for appropriations of money to lie over for ten days.
 4. Trustees have not power to levy tax exceeding one mill on the dollar, unless a majority of legal votes be in favor of such tax.
 5. Improvement of streets, &c., to be made by lot owners.
 6. Trustee not to be interested in any contract, the expense of which is to be paid by law; such contracts to be let to the lowest bidder, &c.
 7. Duty of President of board of trustees.
 8. Fiscal year.
 9. Legislature may amend or repeal this act.
 10. Trustees to post statement of moneys received and expended by town government, one month before each annual election.
 11. This act to be submitted to voters of town, for acceptance or rejection.
 12. Auditor of Clatsop to appoint time and place for voting for accepting or rejecting this charter, and also, appoint inspectors; returns of said vote to said auditor, &c.
 13. Laws repealed.

SECTION 1. The officers elected under this act, shall hold their

offices for one year and until their successors are duly qualified; the term of office to commence ten days after the annual election; *provided*, that persons elected to fill vacancies shall hold out the unexpired term of the office to which they shall be elected and until their successors are qualified.

SEC. 2. Where two or more persons shall have an equal and the highest number of votes for any office provided for in this act, the board of trustees shall decide the election.

SEC. 3. All ordinances and resolutions, bills, or regulations, calling for appropriations of money, shall lie over for at least ten days.

SEC. 4. The board of trustees shall have power to levy and collect taxes exceeding one mill per cent., if an ordinance or bill for that purpose, be first submitted to the legal voters of the town, after ten days notice of the time and place of such voting, and a majority of such voters shall vote in favor of such tax.

SEC. 5. The improvement, repair and construction of all streets, side and cross-walks, and public ways, shall be made and paid for by the land or lot-holders, whose land or lots front upon such streets, walks, and ways, in the proportion of the frontage of the respective lots; and if the owners of such lots fail to make such improvements, repairs, or constructions as shall be required by ordinance of the board of trustees, then it shall be the duty of the commissioner of streets and the harbor, to make such repairs and improvements in such manner and as may be provided for by the board of trustees, after such delinquent lot-holder shall have failed to make the required improvements; and the expense of such improvement or repair, so made by the said commissioner, shall be paid by the said delinquent lot-holder; and such expense shall be collected and paid over in the same manner as shall be provided by ordinance, for the collection of the other taxes and revenue of the town; *provided*, that no lot-holder shall be compelled to grade, construct, improve or repair any street, side or cross-walk, or public way, except a petition asking for such improvements, be signed by the owners of a majority of the frontage along the street to be so repaired or improved, and presented to the board of trustees, and they, in accordance with such petition, order such improvement.

SEC. 6. No member of the board of trustees shall, during his term of office, be interested in any contract, the expenses of which

are to be paid out of the town treasury; and all jobs or contracts for constructing, repairing, improving and ornamenting any place or object in the town or out of it, the expenses of which are to be paid out of the town treasury, shall be let out to the lowest responsible bidder, to be done according to specifications to be furnished from the proper office or department of the town government, and which shall have been approved by the board of trustees and made public at least ten days before the closing of the bids for such job or contract.

SEC. 7. The president of the board of trustees shall, at least once in each year, and oftener if he shall deem it expedient, communicate to the board a general statement, in writing, of the situation and condition of the town, in relation to its general finances and improvements, and to recommend to the board the adoption of such measures connected with the police, the security of the public health, the improvement, cleanliness and ornament of the town, as he shall deem expedient; and he shall perform all such duties as may be prescribed to him by this act and the town ordinances and the laws of this Territory and of the United States and not inconsistent with either.

SEC. 8. The fiscal year of the town government shall terminate on the second Tuesday of April, of each year.

SEC. 9. The Legislative Assembly of this Territory may, at any time, alter, amend or repeal this charter.

SEC. 10. The board of trustees shall cause to be posted up in one or more conspicuous places in the town, at least one month before the annual election of each year, a full, complete, and detailed statement of all moneys received and expended by the town government, during the preceding year, and on what account received and expended, classifying each receipt and expenditure under its appropriate head.

SEC. 11. This act of incorporation shall be submitted to the electors of the town of Astoria, as herein defined, at a meeting to be called for accepting or rejecting the same, and if a majority of the said voters shall be in favor of accepting the same, it shall become a law and be in full force, and not otherwise.

SEC. 12. The county auditor of Clatsop county shall appoint and give notice of the time and place for voting on the acceptance or rejection of this act, and he shall, also, appoint inspectors of the

balloting, who shall be qualified and who shall canvass the vote and make returns to the said auditor, who shall thereupon immediately declare the result.

SEC. 13. All laws and parts of laws heretofore passed and now in force in this Territory, in anywise conflicting with this act, are, so far as they so conflict, hereby repealed.

Passed the House Jan. 17, 1856.

Passed the Council Jan. 18, 1856.

A. P. DENNISON,

President of the Council.

DELAZON SMITH,

Speaker of the House of Representatives.

AN ACT to incorporate the City of Eola.

ARTICLE I.

SEC. 1. Describes the boundaries of the city.

2. Inhabitants declared a body politic and corporate to have perpetual succession, may sue and be sued; may have and hold property in the the city and beyond its limits, for certain purposes, and have a seal.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the City of Eola shall be bounded as follows: Commencing at the center of the channel of the Willamette river, due east of a point one hundred feet south of the upper mouth of the La Creole river, thence in a north-west direction to the center of the said La Creole river, thence up the center of said La Creole river to a point due south of the mouth of a spring branch that runs from the lower part of Joshua Shaw's farm, thence north to a point due west of the north-west corner of the land claim located by William Duran, as per notice No. (111) one hundred and eleven as filed in the office of the Surveyor General of the Territory of Oregon, thence east to the north-east corner of said land claim, thence south to the center of the channel of the Willamette river, thence by the center of said channel to the place of beginning.

SEC. 2. The inhabitants of said City of Eola, shall be and they are hereby constituted a body corporate and politic, in fact and in law,

AN ACT for the relief of School District No. 18, in the County of Lane.

WHEREAS the Report of School District No. 18, in Lane county, failed to reach the superintendent of common schools for said county within the time prescribed by law, through oversight on the part of the postmaster at Springfield in said county, whereby said district has been deprived of school funds to the amount of fifty-five dollars (\$55 00) to which it was justly entitled:—
Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the treasurer of said Lane county, be, and he hereby is authorized and required to pay to the clerk of school district No. 18, in said county, the sum of fifty-five dollars (\$55 00) out of any money in his hands belonging to the school fund in said county.

SEC. 2. This act to take effect and be in force from and after its passage.

Passed the Council January 21, 1858.

Passed the House January 23, 1858.

IRA F. M. BUTLER,

Speaker of the House of Representatives.

H. D. O'BRYANT,

President of the Council.

AN ACT to amend an act passed January 18th, 1856, to incorporate the town of Astoria.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That section first, of chapter first, of an act entitled "An Act to incorporate the town of Astoria," passed January 18th, 1856, be and the same is hereby amended, so as to bound the town as follows, to-wit: commencing in the middle of the main channel of the Columbia river, due north of Fifth street, thence south to the bank of said river, thence south four blocks, thence

southerly till it strikes the line of John McClure's land claim, thence following the survey of John M. Shively, as is now lain down in the town plat of Astoria in the county of Clatsop.

SEC. 2. This act to take effect and be in force from and after its passage.

Passed the Council, January 23, 1858.

Passed the House January 25, 1858.

IRA F. M. BUTLER,

Speaker of the House of Representatives.

H. D. O'BRYANT,

President of the Council.

AN ACT to vacate a part of the Territorial road leading from the Eagle Mills to the Mountain House in Jackson county, O. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That all that portion of the Territorial road lying between the Eagle Mills and the Mountain House in Jackson county, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

Passed the Council January 21, 1858.

Passed the House January 29, 1858.

IRA F. M. BUTLER,

Speaker of the House of Representatives.

H. D. O'BRYANT,

President of the Council.